

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

**Marine Polymer Technologies, Inc.,
Plaintiff,**

v.

**HemCon, Inc.,
Defendant**

*
*
*
*
*
*
*
*
*
*
*
*

Civil Action No. 06-CV-100-JD

**DEFENDANT’S MOTION FOR LEAVE TO REPLY TO PLAINTIFF’S
OPPOSITION TO MOTION TO STRIKE WITNESS DECLARATION FILED IN
SUPPORT OF PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

The Defendant, HemCon, Inc. (“HemCon”) respectfully moves for leave to file a reply to Plaintiff Marine Polymer Technologies, Inc.’s opposition to Defendant’s Motion to Strike Witness Declaration Filed in Support of Plaintiff’s Motion for Partial Summary Judgment.

1. Defendant’s proposed reply, attached hereto, is narrowly drafted to address an issue raised in Plaintiff’s Opposition to Defendant’s Motion to Strike Witness Declaration Filed in Support of Plaintiff’s Motion for Partial Summary Judgment (“Plaintiff’s Opposition”), relating to whether and how Federal Rule of Civil Procedure 56(e) may be read in light of, and reconciled with, Federal Rule of Evidence 703. A reply is necessary to present the Court with additional authority on this issue, not included in Plaintiff’s Opposition.

2. As stated above, and in accordance with L.R. 7.1(e)(2), the proposed reply is filed simultaneously with this motion.

3. A good faith attempt has been made to obtain concurrence in the relief sought in this motion. Plaintiff has not yet advised of its position on the relief requested in this motion.

WHEREFORE, the defendant respectfully requests this Honorable Court grant the following relief:

- A. Permit Defendant to file the reply memorandum attached hereto; and
- B. Grant such other relief as may be just.

Date: October 27, 2008

RYAN KROMHOLZ & MANION, S.C.

By: /s/ Joseph A. Kromholz
Joseph A. Kromholz (WI Bar No.
1002464)
Daniel D. Ryan (WI Bar No. 1014606)
RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226-0618
Telephone: (262) 783-1300

LOCAL COUNSEL

By: /s/ Richard B. McNamara
Richard B. McNamara (NH Bar No. 1719)
Wiggin & Nourie, P.A.
670 North Commercial Street, Suite 305
P.O. Box 808
Manchester, NH 03105-0808
Telephone: (603) 669-2211

Attorneys for Defendant
HEMCON, INC.

CERTIFICATE OF SERVICE

I hereby certify that the within Defendant's Motion for Leave to File Reply to Plaintiff's Opposition to Motion to Strike Witness Declaration Filed in Support of Plaintiff's Motion for Partial Summary Judgment has been forwarded to all counsel of record pursuant to the Court's rules and procedures concerning electronic filing. Electronically Served Through ECF: Daniel E. Will, Esq.

Date: October 27, 2008

/s/ Richard B. McNamara